

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION AT DAYTON

CHARLES DIPASQUALE,

Plaintiff,

Case No. 3:16-cv-219

vs.

JAMES HAWKINS, *et al.*,

Defendants.

District Judge Thomas M. Rose
Magistrate Judge Michael J. Newman

ORDER AND ENTRY: (1) ADOPTING THE REPORT AND RECOMMENDATION OF THE MAGISTRATE JUDGE (DOC. 118); (2) GRANTING THE JOINT MOTION TO VOLUNTARILY DISMISS PLAINTIFF'S CLAIMS AGAINST DEFENDANT BRADLEY PROCTOR; (2) DISMISSING PLAINTIFF'S CLAIMS AGAINST DEFENDANT PROCTOR; (3) TERMINATING DEFENDANT PROCTOR AS A PARTY TO THIS ACTION; AND (4) DENYING AS MOOT DEFENDANT PROCTOR'S MOTION FOR JUDGMENT ON THE PLEADINGS (DOC. 106)

The Court has reviewed the Report and Recommendation of Magistrate Judge Michael J. Newman (doc. 118), to whom this case was referred pursuant to 28 U.S.C. § 636(b). The parties have not filed objections to the Report and Recommendation and the time for filing such objections under Fed. R. Civ. P. 72(b) has expired. Accordingly, it is hereby **ORDERED** that: (1) the Report and Recommendation (doc. 118) is **ADOPTED** in full; (2) the parties' joint motion to voluntarily dismiss Plaintiff's claims against Defendant Proctor (doc. 117) is **GRANTED**; (2) Plaintiff's claims against Defendant Proctor are **DISMISSED** pursuant to Fed. R. Civ. P. 21 **WITHOUT PREJUDICE**; (3) Defendant Proctor is **TERMINATED** as a party to this litigation; and (4) Defendant Proctor's motion for judgment on the pleadings (doc. 106) is **DENIED AS MOOT**.

IT IS SO ORDERED.

Date: September 10, 2019

*s/Thomas M. Rose
Thomas M. Rose
United States District Judge